

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

JEREMY KEEL, JEROD BREIT, )  
HOLLEE ELLIS, FRANCES HARVEY, )  
RHONDA BURNETT, DON GIBSON, )  
LAUREN CRISS, JOHN MEINERS, )  
DANIEL UMPA, CHRISTOPHER )  
MOEHRL, MICHAEL COLE, STEVE )  
DARNELL, JACK RAMEY, and )  
JANE RUH, individually and on behalf )  
of all others similarly situated, )

Plaintiffs, )

v. )

Case No. 4:25-00055

HOUSE OF SEVEN GABLES )  
REAL ESTATE, INC., WASHINGTON )  
FINE PROPERTIES, LLC; SIDE, INC.; )  
SIGNATURE PROPERTIES OF )  
HUNTINGTON, LLC; J.P. PICCININI )  
REAL ESTATE SERVICES, LLC; )  
JPFR FRANCHISING, LLC; CAIRN )  
REAL ESTATE HOLDINGS, LLC; )  
CAIRN JPFR HOLDINGS, LLC; )  
YOUR CASTLE REAL ESTATE, LLC; )  
BROOKLYN NEW YORK MULTIPLE )  
LISTING SERVICE, INC.; CENTRAL )  
NEW YORK INFORMATION )  
SERVICE, INC.; FIRST TEAM REAL )  
ESTATE - ORANGE COUNTY )

Defendants. )

**JURY TRIAL DEMANDED**

**PLAINTIFFS' MOTION AND SUGGESTIONS IN SUPPORT OF  
MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENTS  
WITH ALL DEFENDANTS**

Plaintiffs move for preliminary approval of their Settlements with all Defendants:

- Side Inc. (“Side”);
- House of Seven Gables Real Estate, Inc. (“Seven Gables”);
- Washington Fine Properties, LLC (“WFP”);
- J.P. Piccinni Real Estate Services, LLC a/k/a JPAR Real Estate Services, LLC; Cairn Real Estate Holdings, LLC; Cairn JPAR Holdings, LLC; JPAR Franchising, LLC; and Your Castle Real Estate, LLC (“JPAR”);
- Signature Properties of Huntington, LLC a/k/a Signature Premier Properties (“Signature”);
- First Team Real Estate-Orange County (“First Team”);
- Brooklyn New York Multiple Listing Service (“Brooklyn MLS”); and
- Central New York Information Service, Inc. (“CNYIS”)<sup>1</sup>

These Settlements are substantially similar to those reached in *Gibson* and *Burnett*. The Court is well acquainted with this litigation and the legal standards governing settlement, and it has previously approved similar settlements. The Court should preliminarily approve these Settlements as well.

This case resolves actual and potential claims against several real estate brokerage companies and multiple listing services entities. Certain of these entities have been sued in other litigation and engaged in settlement discussions jointly with co-lead counsel in the *Burnett*, *Moehrl*, and *Gibson* suits. Several others considered opting into the NAR Settlement but did not reach an agreement to do so before the relevant deadlines. Each Settlement follows the same general structure and substance as prior settlements which have already been approved.

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<sup>1</sup> The Settlement Agreements are attached as Exhibits A through H to the Declaration of Steve Berman, Ex. 1 (“Berman Decl.”).

As with the prior settlements in the real estate commissions litigation, the present Settlements were the result of lengthy arms-length negotiations and consideration of the risk and cost of litigation. *See* Berman Decl. at ¶¶ 8-19. As with the prior settlements, these Settlements were reached after an investigation of the Defendant's financial condition and ability to pay a judgment or settlement. *See id.*; *see also id.* at ¶ 20. The Settlements are fair, reasonable, and adequate, and beneficial to the Settlement Classes. *See id.* The Class Representatives have approved them. *See id.* at ¶ 21.

**A. Settlement Class:**

The proposed brokerage Settlements reflect the same Settlement Class that the Court certified (or preliminarily certified) for settlement of claims against, among others, including Compass, Douglas Elliman, HomeSmart, Real Brokerage, Realty ONE, United Real Estate, NextHome, LoKation:

All persons who sold a home that was listed on a multiple listing service<sup>2</sup> anywhere in the United States where a commission was paid to any brokerage in connection with the sale of the home in the following date range: October 31, 2019 to date of Class Notice.

(*See* WFP ¶ 13; JPAR ¶15; Signature ¶ 15; Seven Gables ¶ 15; First Team ¶ 16; Side ¶ 14)

The proposed Settlements with the two MLS entities reflect the same class period as the MLSs who opted into the NAR Settlement, as follows:

All persons who sold a home that was listed on a multiple listing service anywhere in the United States where a commission was paid to any brokerage in connection with the sale of the home in the following date ranges:

- i. Homes listed on Moehrl MLSs: March 6, 2015 to date of Class Notice;
- ii. Homes listed on Burnett MLSs: April 29, 2014 to date of Class Notice;

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<sup>2</sup> MLS includes non-NAR multiple listing services, including REBNY / RLS, as well as multiple listing services owned, operated, or governed by, or associated with the Florida Association of Realtors (or its regional and local associations).

- iii. Homes listed on MLS PIN: December 17, 2016 to date of Class Notice;
- iv. Homes in Arkansas, Kentucky, and Missouri, but not on the Moehrl MLSs, the Burnett MLSs, or MLS PIN MLS: October 31, 2018 to date of Class Notice;
- v. Homes in Alabama, Georgia, Indiana, Maine, Michigan, Minnesota, New Jersey, Pennsylvania, Tennessee, Vermont, Wisconsin, and Wyoming, but not on the Moehrl MLSs, the Burnett MLSs, or PIN MLS: October 31, 2017 to date of Class Notice;
- vi. For all other homes: October 31, 2019 to date of Class Notice.

(Brooklyn MLS ¶ 18, CNYIS ¶ 18).

**B. Settlement Amount:**

The Settlements provide that the Settling Defendants will pay a total of \$10,570,000 for the benefit of the Settlement Class, as follows:

- Side: \$5.5 million;
- Seven Gables: \$1 million;
- WFP: \$1.3 million;
- JPAR: \$700,000;
- Signature: \$850,000;
- First Team: \$1,000,000
- Brooklyn MLS \$95,000;
- CNYIS: \$125,000.

Together with other Settlements in *Gibson* and *Burnett*, Plaintiffs have recovered over \$1 billion for the benefit of the Settlement Class. The non-monetary terms of these Settlements are the same in all material respects as the terms of the previous *Gibson* and *Burnett* Settlements, including substantially similar **Practice Changes** (WFP ¶¶ 49-51, JPAR ¶¶ 56-58, Signature 50-52, Seven Gables ¶¶ 50-52, First Team ¶¶ 51-53, Side ¶¶ 50-52, Brooklyn MLS ¶¶ 36-37, CNYIS

¶¶ 36-37); **Cooperation** (WFP ¶¶ 52-55, JPAR ¶¶ 59-61, Signature ¶¶ 53-56, Seven Gables ¶¶ 53-56, First Team ¶¶ 54-57, Side ¶¶ 53-56; Brooklyn MLS ¶¶ 38-41, CNYIS ¶¶ 38-41); and **Release** provisions (WFP ¶¶ 28-30, JPAR ¶¶ 32-34, Signature 29-31, Seven Gables ¶¶ 29-31, First Team ¶¶ 30-32, Side ¶¶ 28-30, Brooklyn MLS ¶¶ 33-35, CNYIS ¶¶ 33-35).

Because the Settlements provide substantially similar relief to the Settlements the Court previously approved in *Burnett* (*Burnett* Docs. 1487, 1622) and *Gibson* (*Gibson* Doc. 530), the Court should grant preliminary approval of the present Settlements. In support, Plaintiffs incorporate herein their previous motions for preliminary and final approval in *Gibson* and *Burnett* (e.g., *Burnett* Docs. 1458, 1518, 1538; *Gibson* Docs. 161, 294, and 521).

Plaintiffs further propose to file, at a later date, a separate motion for approval of the form and manner of Class notice that satisfies the requirements of due process and also takes into account the settlement notice that has already been provided at least three times in *Burnett* and *Gibson*.

Wherefore, Plaintiffs respectfully request that the Court enter an order: (1) preliminarily approving the Settlements with all Defendants in this case; (2) certifying the Settlement Class as defined above for settlement purposes only; (3) appointing Plaintiffs as Settlement Class Representatives; (4) appointing Co-Lead Settlement Class Counsel;<sup>3</sup> (5) appointing JND as the notice administrator; and (6) directing Plaintiffs to file, at a later date, a motion seeking approval of the form and manner of class notice.

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<sup>3</sup> Proposed Settlement Class Counsel are Ketchmark & McCreight P.C., Boulware Law LLC, Williams Dirks Dameron LLC, Hagens Berman Sobol Shapiro LLP, Cohen Milstein Sellers & Toll PLLC, and Susman Godfrey LLP. (See, e.g., Doc. 530 at ¶ 88 and Doc. 534 at ¶ 8.)

Dated: January 27, 2024

**HAGENS BERMAN SOBOL SHAPIRO  
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